

CRM-M-29334-2016

Date of Decision : 30.09.2016

Harjeet Singh

.....Petitioner

versus

State of Punjab

....Respondent

**CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI****Present:** Mr. S.K. Singla, Advocate  
for the petitioner.

Mr. Jashanpreet Singh, AAG, Punjab.

Mr. J.S. Dadwal, Advocate  
for the complainant.**M.M.S. BEDI, JUDGE (ORAL)**

On asking of the Court, on the instructions of Head Constable Deepak Kumar, it has been informed by the learned State counsel that petitioner has joined investigation.

I have heard learned counsel for the petitioner as well as learned counsel for the complainant.

Learned counsel for the complainant has opposed the application for bail submitting that three reapers which had been given to the petitioner, in the capacity as partner of Agro Industries, Sandhor, have neither been returned to the complainant nor the lease amount of the said reapers has been paid.

I have gone through the record. It appears that the allegation levelled by the complainant is that reapers were given in the year March, 2014. The FIR, in the present case, has been registered on 26.07.2016. There also appears to be a dispute between the father of the

complainant and the petitioner pertaining to a sum of Rs. 1,45,000/- regarding which a notice under Section 138 of the Negotiable Instruments Act, had been served upon the petitioner by father of the complainant. Copy of the said legal notice has been placed on record as Annexure P-2. The delivery of reapers without there being any written agreement between the parties, except a compromise, will certainly be a debatable issue regarding the liability of the petitioner which *prima facie* appears to a combination of civil and criminal liability. It does not appear to be a case of custodial investigation.

The petition is allowed. Interim order dated 24.08.2016 is hereby made absolute subject to the condition that petitioner will join investigation, as and when required and will not tamper with the evidence or hamper the investigation, in any manner.

Nothing said in this order will prejudice the legal rights of the complainant.

(M.M.S. BEDI)  
JUDGE

30.09.2016  
Neha

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No